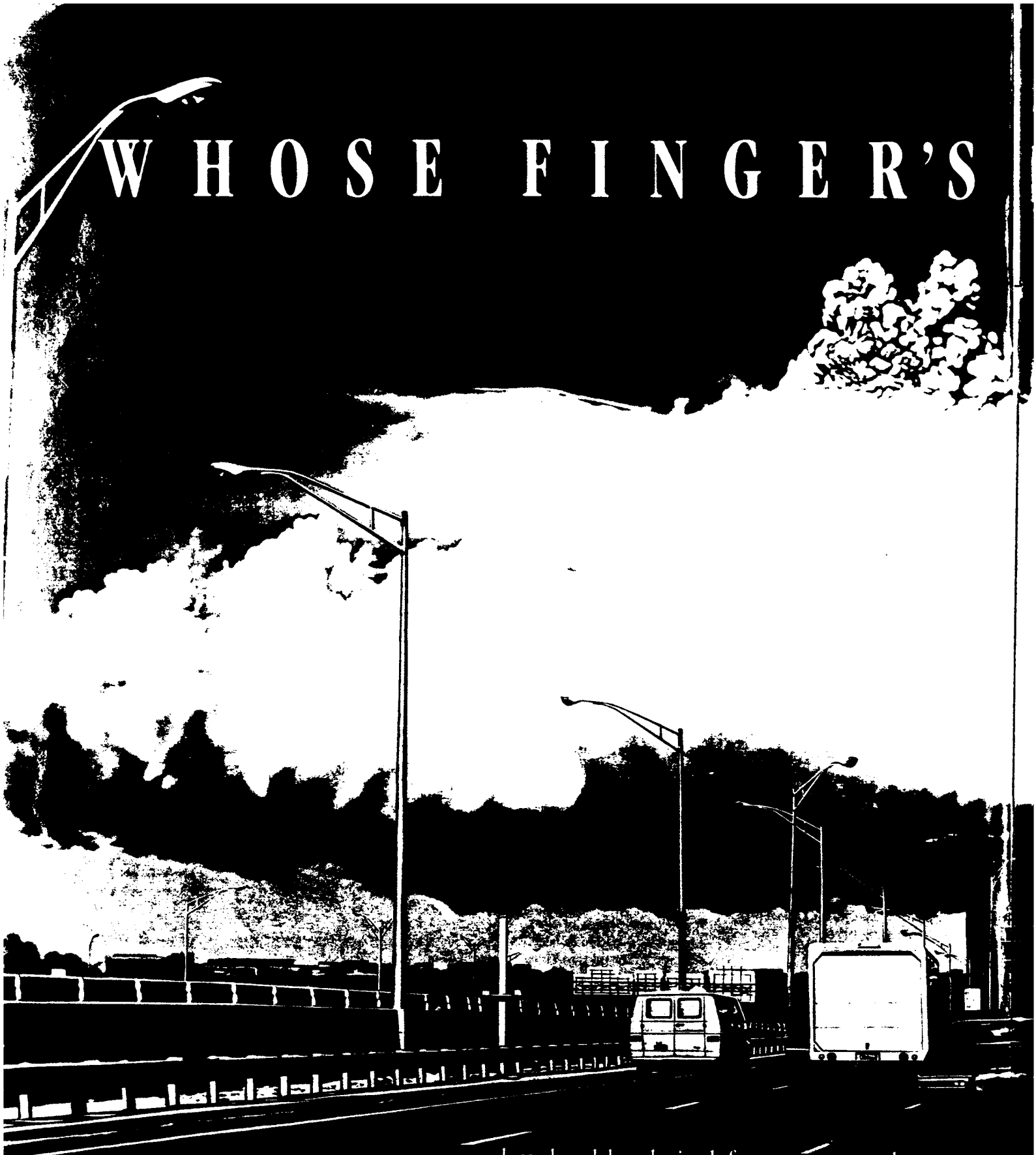
WHOSE FINGER'S



When the search for the bodies ended, one chilling thought hung in the air: According to the Soviet version of events, relatively low level local air defense commanders had made the tragic decision to shoot down a Korean Air Lines 747 passenger jet, killing all 269 civilians on board. If indeed such a de-

ON THE BUTTON?

A number of times over the past 30 years authority to use nuclear weapons has been delegated to the military. Does such delegation exist today?

BY JOHN HANRAHAN

cision had been delegated to lower level commanders, you can't help but wonder what other kinds of serious military decisions are delegated in both the Soviet Union and the United States. Can the decision to fire nuclear weapons, perhaps igniting World War III, also be made outside the White House or Kremlin? ¶Whose finger really is on the nuclear button?

THE [illegible] WASHINGTON PAINTING — DISC ALAN SONNEMAN

The president's authority to push the button can be delegated "virtually without limitation."

The phrase "finger on the button" conjures up in many Americans' minds the image of a red phone on the president's desk, an emergency warning about a nuclear alert and the president's call to authorize U.S. forces to use nuclear weapons. Although most probably know the president would not literally push a button, many Americans probably assume it is the president alone who controls this nation's use of nuclear weapons. Many envision a similar scenario unfolding in Moscow.

But an investigation by *Common Cause Magazine* discloses that the authority to use nuclear weapons has not been kept exclusively by presidents in the past but has been predelegated by various presidents for use under specific circumstances to certain U.S. military commanders—some of whom in turn may have had the authority to delegate it even further down the chain of command.

The White House, the Defense Department and other government agencies either would not comment on the issue of predelegation to *Common Cause Magazine*, or else maintained that it does not exist today.

A Pentagon spokesperson told *Common Cause Magazine* that today no U.S. military command has any predelegated nuclear authority, and he would not confirm or deny that it has been predelegated in the past. "The authority must be requested from the president," the spokesperson says. "Beyond that, we just don't discuss it." An Arms Control and Disarmament Agency spokesperson says that any former U.S. military or government official who claims predelegation existed in the past, or exists today, "is just blowing smoke."

Despite the disclaimers, a number of people interviewed for this article said that, based on what they know of previous instances, they would assume that some form of predelegation remains in effect today. Others said they were convinced it does not.

But regardless, the issue raises a number of important questions. Among them: Should Congress and the public be informed when predelegation exists? Put another way, since the firing of nuclear weapons could be tantamount to declaring war, and since only Congress has the authority to declare war, should certain committees, or key Members of Congress, be part of determining the policy of predelegation?

Rep. Norman Dicks (D-Wash.) believes it is vital that the public and Congress be informed when a president predelegates his nuclear authority. "It's a fundamental issue, it should be publicly debated," Dicks says.

Rep. Joseph Addabbo (D-N.Y.), chairman of the defense subcommittee of the House Appropriations Committee, says he does not think it is widely known in Congress that the nuclear authority appears to have been predelegated to military commanders in the past.

Addabbo says Congress should "definitely be told about it" if such authority has been predelegated, "because whoever has authority over nuclear weapons has the power to start World War III." He said the defense appropriations subcommittee, which he chairs, would add the issue to the agenda for its January hearings.

On the other side, a government official who didn't wish to be named says ambiguity over predelegation is vital as a deterrent to the Soviets. The secret—whether there is or isn't predelegation at a certain time—should not be made public, or even confided privately to Members of Congress—"because Congress would leak the information."

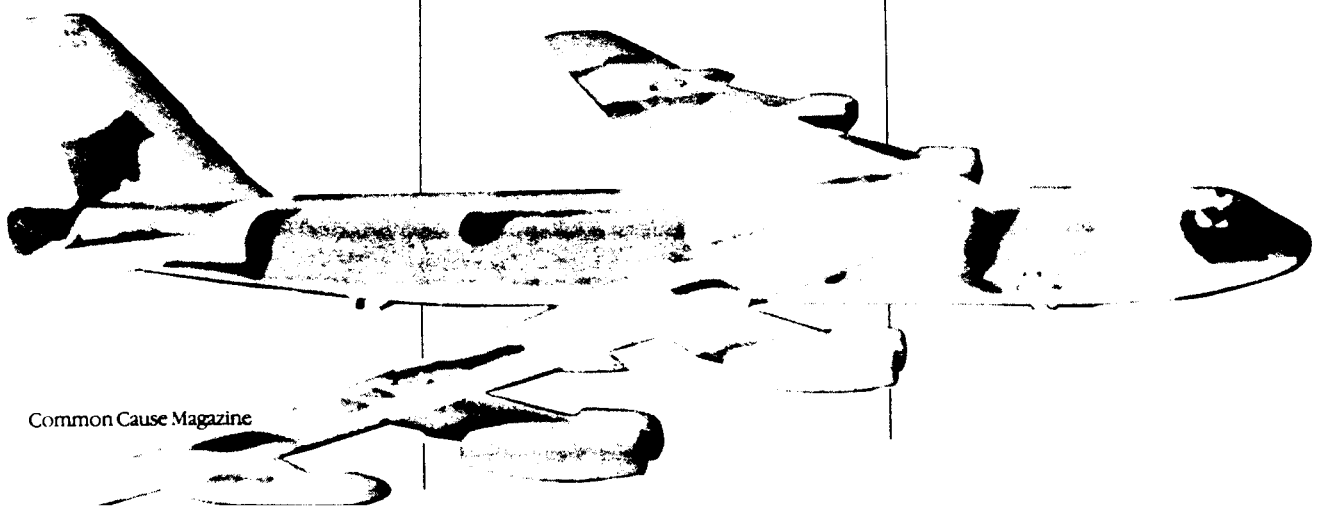
In the past, a congressional subcommittee held hearings on efforts to get the U.S. to renounce first use of nuclear weapons. Predelegation was discussed at those hearings, but it was not the main focus.

According to those hearings, published accounts and interviews with former U.S. military and government officials, presidents have granted some types of predelegation as early as 1950 and continuing up through the mid-1970s—if not beyond.

Such predelegation, according to these sources, has involved both strategic and tactical nuclear weapons. Tactical refers to shorter range, less powerful weapons for use in localized battles; strategic refers to long range, more powerful weapons such as intercontinental ballistic missiles. Here's what the record shows:

- In 1950, during the Korean War, President Truman said at a press conference that the atomic bomb was being considered for possible use in Korea after the Chinese had intervened there.

As for potential targets, Truman said, "It's a matter that the military people will have to decide. I'm not a military authority that passes on those things. The military commander in the field will have charge of the use of the wea-



pons, as he always has."

• In interviews with reporters in 1957 and 1958, Gen. Earle Partridge, former North American Aerospace Defense (NORAD) commander, said that NORAD had been predelegated the authority to order the firing of nuclear weapons without the president's approval. Partridge said President Eisenhower had "given his approval to use, without reference to anybody, any weapons at our disposal if there is a hostile aircraft in the [detection and warning] system." Partridge did not specify the type of nuclear weapons that he had at his disposal.

• Almost 20 years later, in 1976, retired Navy Vice Adm. Gerald Miller testified at a congressional hearing that the NORAD commander at that time still had the predelegated authority to order the use of nuclear weapons, "only under severe restrictions and severe conditions of attack," without first having to check with the president. (NORAD is responsible for receiving information from various warning systems to alert the Pentagon and military commanders of possible enemy attack.)

• Some published accounts have said Gen. Lauris Norstad, who had previously served as commander of U.S. forces in Europe, had prior authority during the 1962 Cuban missile crisis to use nuclear weapons without first checking with the president—in the event the Soviet Union had attacked Western Europe at that time. Norstad refused to comment to *Common Cause Magazine*.

• Daniel Ellsberg, former defense planner who achieved fame a decade ago as the man who leaked the Pentagon Papers to *The New York Times*, says Presidents Eisenhower, Kennedy and Johnson all had predelegated nuclear authority to top military commanders.

Khrushchev told Nixon a Soviet missile malfunctioned once "and headed toward Alaska."

Ellsberg says he learned of the predelegation while serving as a consultant to the White House and the Defense Department on nuclear war planning and nuclear command and control between 1959 and 1964. Among those given such authority, according to Ellsberg, were the Pacific, European and Strategic Air Command (SAC) commanders. (SAC is the command which oversees and sends into action the nuclear weapons-equipped bombers and land-based nuclear missiles.)

In addition to the actual predelegation of nuclear authority to military commanders, there is the related issue that U.S. submarines carrying nuclear weapons today have the equivalent of predelegated authority in terms of physical capability to launch their missiles without the elaborate safeguards that bombers and land-based missiles have.

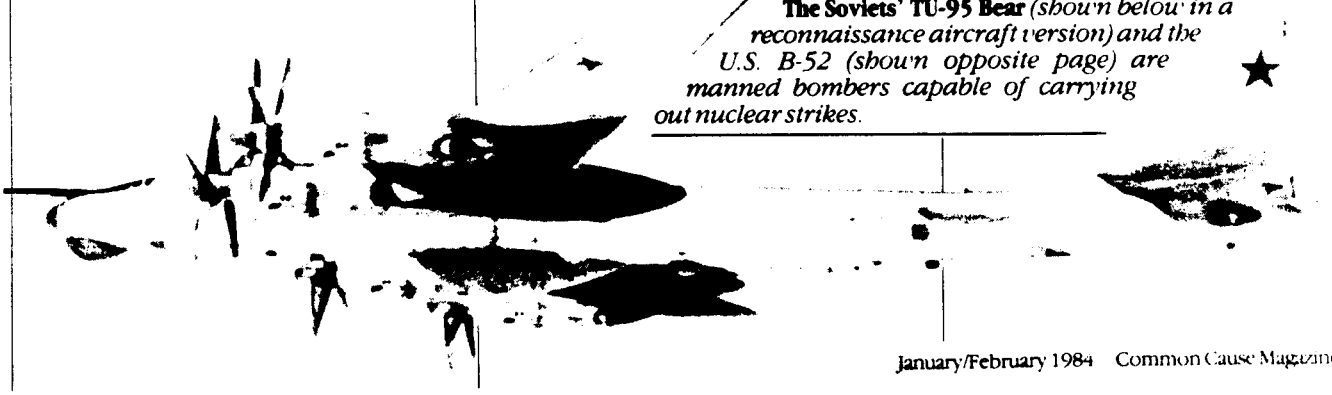
Because of the high degree of secrecy surrounding this issue in the Soviet Union, it is extremely difficult to know who has the authority there to fire nuclear weapons. Published accounts indicate that the authority to order the firing of nuclear weapons apparently is not centered as much in one individual as it is in the United States, but rather rests with the Politburo, the Communist Party's ruling body, and the Defense Council, a unit comparable to the National Security Council in the United States.

According to published accounts and interviews with a number of Soviet scholars and journalists based outside the USSR, it does not appear that this authority has been subdelegated to military commanders—although, again, this is open to doubt.

The issue of predelegation is especially important in the context of a number of other concerns over nuclear weapons. Although neither the United States nor the Soviet Union has ever fired nuclear weapons at one another, there have been events that have caused some worry. For example, there were three public reports of U.S. bombers carrying hydrogen bombs crashing back in the 1960s; of U.S. warning systems indicating incoming missiles—when what was really being picked up was a flock of geese and the rising of the moon; of a computer chip failure that caused commanders to ready bombers for takeoff as if the U.S. were under nuclear attack.

On the Soviet side, such incidents are even more shrouded in secrecy than they are in the U.S. One such apparent incident, though, was reported by Richard Nixon in his book, *Six Crises*. Nixon wrote that in 1959 when, as vice president, he went to the Soviet Union, Soviet leader Nikita Khrushchev told him that earlier in the year the engine cutoff system in an intercontinental ballistic missile "had failed and the rocket had overshot its course and headed toward Alaska." Khrushchev reportedly maintained the missile "had not contained a warhead," but he had "feared a 'fuss' if the missile had landed in Alaska." Fortunately, Nixon wrote, the missile fell into the ocean.

Despite these incidents, the main concern among many students of arms control today is not so much over a



The Soviets' TU-95 Bear *(shown below in a reconnaissance aircraft version) and the U.S. B-52 (shown opposite page) are manned bombers capable of carrying out nuclear strikes.*

According to the Constitution, Congress has sole authority to declare war. But Congress appears to have no role in the decision to fire nuclear weapons, a decision which could be tantamount to declaring World War III.

computer malfunction triggering a nuclear war, or the Soviet Union launching a "bolt out of the blue" surprise attack, or a deranged president or an insane general sending the missiles and bombers to Moscow.

Rather, as Yale political science Prof. Paul Bracken, author of the recently published book, *The Command and Control of Nuclear Forces*, told *Common Cause Magazine*, although "much can be made of the *Dr. Strangelove* scenarios," a nuclear war is more likely to start because the United States and the Soviet Union "step by step take actions which they perceive will improve their security." But each side could view the actions of the other as more threatening, thus triggering the nuclear war both sides sought to avoid.

It is in precisely such escalating situations, say many critics, that predelegation of nuclear authority could be especially dangerous.

From the United States' standpoint, the logic for some predelegation of nuclear authority is strong, according to some military commanders and civilian experts.

For example, Gen. Nathan Twining, former chairman of the Joint Chiefs of Staff and a four-star general, wrote in 1966 that it is "just plain common sense" to predelegate the nuclear authority "in the event of certain circumstances"—i.e., a heavy nuclear attack on the United States, the destruction of Washington, D.C. and the death of the nation's leaders, or a loss of communications between Washington and military forces during such a crisis.

But some other experts see it differently.

"It would be terrifying," Paul Warnke told *Common Cause Magazine*, if either the United States or Soviet Union predelegated the nuclear firing authority to battlefield commanders.

Warnke, director of the U.S. Arms Control and Disarmament Agency and chief negotiator for the Strategic Arms Limitation Talks (SALT II) in 1977-1978, says that under the stress of battlefield conditions, military commanders might act rashly and use nuclear weapons—and thereby escalate a conflict out of control.

While assuming that predelegation probably is not a current policy, Warnke was unaware that predelegation has apparently been a policy in the past.

Chaplin Morrison, congressional lobbyist for the Nuclear Weapons Freeze Campaign, says predelegation of authority to use either tactical or strategic nuclear weapons is "an especially dangerous concept" because it could cause a local conventional battle to escalate to a nuclear one, and a local nuclear battle in turn to escalate to all-out nuclear war—as in the recent television movie, *The Day After*.

* * * * *

Although some Members of Congress and the arms control community have in the past expressed concerns about predelegation of nuclear authority, the president clearly has the constitutional and legal authority to do it, according to a number of scholars and researchers.

A comprehensive report by the Congressional Research Service (CRS), prepared at the request of the House of Representatives' International Relations Committee as the basis for hearings in 1976, noted that the president can delegate his authority over nuclear weapons to subordinate officers within the chain of command "virtually without limitation." According to the Pentagon and various congressional offices, this is still the case.

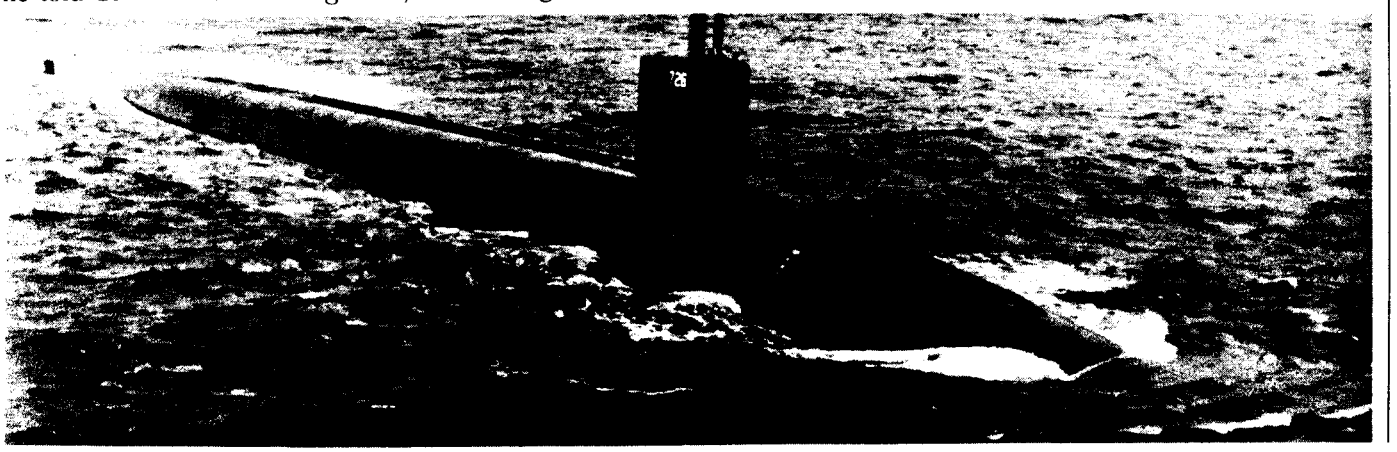
Further, although Congress alone has the constitutional power to declare war, it appears to have no role in the decision by the commander in chief (the president) to use or not use nuclear weapons—a decision which, in effect, could amount to a presidential declaration of war.

If the United States were ever attacked with nuclear weapons, of course, there probably would not be enough time for the president to consult with Congress on whether to retaliate, and to what degree, given the 10- to 30-minute flight time to the United States of missiles launched by Soviet submarines off the U.S. East Coast or from the Soviet Union.

One congressional panel—a subcommittee of the House International Relations Committee—considered the issue in 1976 hearings on "no first use" of nuclear weapons, but there was no major legislative followup.

At those 1976 hearings, some Members and witnesses expressed concerns that the finger on the nuclear trigger may not, as the public believes, be exclusively that of the president but also those of some military commanders.

Among those, Rep. Richard Ottinger (D-N.Y.) wondered about the adequacy of protections against commanders



One danger is in subdelegating the power to lower level commanders who could trigger a nuclear war while others at higher levels are trying to avoid one.

with predelegated authority "acting by error or becoming disabled" and using the authority unwisely. He also was concerned about military commanders "deciding that it is in their own interest in a higher cause to set off nuclear weapons in their sense of what it takes to preserve freedom."

At the same hearings, Vice Adm. Gerald Miller, former deputy director of the Joint Strategic Target Planning Staff, the Pentagon unit responsible for developing the nation's strategic nuclear warfare plans, testified that nuclear authority had in the past been granted to NORAD. Miller said that at that point NORAD still had such authority.

Miller testified that the nuclear weapons systems predelegated to the NORAD commander were "low in yield, purely defensive in nature" and would be used "in response to a threat of 'first use' by the opposition and under actual war conditions."

The authority had been initially predelegated to NORAD, Miller testified, at a time when U.S. warning systems were less sophisticated, and when there was "concern about being able to respond rapidly enough" to an enemy nuclear attack.

Despite such past delegation of nuclear authority to NORAD, Miller testified that he could not "visualize any situation where the United States, or a NATO commander involved with U.S. nuclear weapons, would use these weapons without presidential authority."

Pentagon representatives refused to discuss in public session at those 1976 hearings the issue of predelegation.

In a later congressional hearing, Rep. Norman Dicks (D-Wash.) disclosed in mid-1982 that, in a series of secret briefings with Members of Congress, U.S. Army officials had said that they wanted "pre-clearance" authority from the president for using tactical nuclear weapons in Western Europe.

Such predelegation is necessary, Army officials said, because under existing chain of command procedures, up to 24 hours could elapse between a field commander's request to use tactical nuclear weapons and the president's go-ahead. Army officials apparently were concerned about a situation in which Soviet troops would invade Western Europe and be overrunning allied forces—and the only way to save the situation would be to use tactical nuclear weapons.

In one of the remarks left in the highly censored, declassified transcript, Maj. Gen. Niles Fulwyler, director of the Army's nuclear and chemical office, said that "it would be much simpler to plan for that battle [i.e., a Soviet attack on Western Europe] and take care of it if we had predelegation, for obvious reasons."

Other information concerning predelegation—by Presidents Eisenhower, Kennedy and Johnson—was provided by Daniel Ellsberg at a 1977 press conference on the issue, and then was confirmed by him in a recent interview with *Common Cause Magazine*.

Ellsberg says that in 1961 he learned of the existence of signed letters from President Kennedy authorizing six or seven top military commanders—of the rank of three- and four-star generals—to use nuclear weapons under certain emergency conditions without first receiving permission from the president. The authorization applied to nuclear weapons under these officers' commands—which would cover both tactical and strategic weapons.

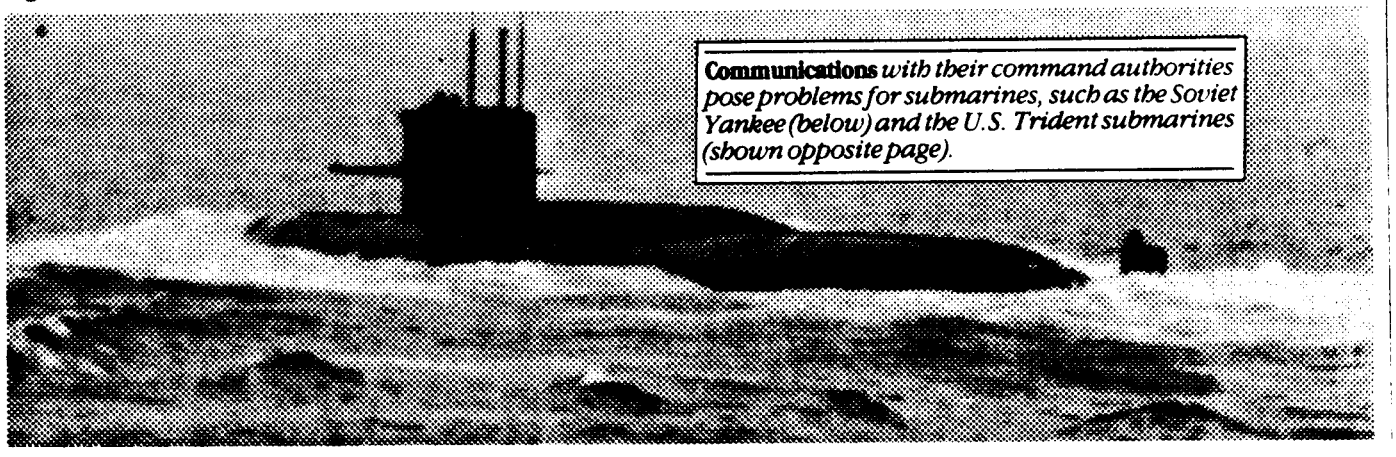
Ellsberg says he did not himself read the letters, but was shown a folder containing the letters and was informed of their contents by Carl Keysen, an aide to McGeorge Bundy, President Kennedy's special assistant for national security affairs.

The letters, Ellsberg says he was told, gave certain U.S. commanders—including the Pacific, European and the Strategic Air Command (SAC) commanders—authority to use the weapons without checking with the president.

Ellsberg says Keysen told him that President Eisenhower had predelegated nuclear authority for use in certain crisis situations. Later, while talking to Pentagon officials in 1964, Ellsberg says he learned that President Johnson had likewise predelegated nuclear authority to some top military commanders. Today Keysen refuses to discuss the subject; his secretary said: "He received your message and is not interested in discussing the subject...at all."

Ellsberg recalls that the commanders could use the weapons under certain conditions: in retaliation in the event of a sudden, massive enemy nuclear attack on the United States, when it was known that the president had been killed during such an attack, or when communications with the president were cut off in a crisis situation.

Predelegation to top military officers, of course, raises an even more worrisome problem—the possibility that those top officers could, in turn, pre-



Communications *with their command authorities pose problems for submarines, such as the Soviet Yankee (below) and the U.S. Trident submarines (shown opposite page).*

Daniel Ellsberg, a former defense planner, says Eisenhower, Kennedy and Johnson all predelegated nuclear authority to top military commanders.

delegate the nuclear authority to even lower ranking officers, thereby even further eroding the concept of presidential control of nuclear weapons.

Ellsberg says that, through interviews he had had with high level and lower ranking military officers in the early 1960s, he had learned that the Pacific forces commander had indeed subdelegated the nuclear authority at that time, and that other commanders had subdelegated the authority to officers ranking as low as major.

"I'm not as concerned with the authority being delegated to a four-star general as I am with that general in turn subdelegating the authority," Ellsberg says. There have to be contingency plans in the event something happens to the president in a crisis situation, he says, but the danger is in subdelegating the power to lower level commanders who could trigger a nuclear war while others at higher levels are taking steps to avoid one.

Aside from Ellsberg, we could find no other government or former government official who has talked of widespread predelegation. Adm. Miller, in his 1976 congressional testimony disclosing that NORAD had received predelegated authority, said he knew of no other instance "where any authority has ever been delegated for the use of nuclear weapons" by the president. In answer to a followup question as to whether the authority could have been delegated without his knowing it, Miller answered: "It could have been; yes."

Bolstering Ellsberg's position is the view of one arms control expert, Yale's Prof. Bracken, who wrote that because of Ellsberg's close involvement in the revision of war plans in the early 1960s, he was "in an intimate position to know about possible predelegation of nuclear authority to military commanders."

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In addition to the president and his designees—who may be the only ones with the actual *authority* to initiate the use of nuclear forces—there are in the United States alone some 14,000 other people (ranging from bomber pilots, to submarine crews, to ground-based personnel in missile launch control centers) whose fingers are just a direct order away from being authorized to push the button.

Those fingers near the nuclear triggers control 3.5 tons of TNT for every person on the face of the earth—that's 5,000 times greater than all the munitions exploded in World War II. A single U.S. nuclear weapon-equipped submarine has more deadly capacity than all of the conventional bombs exploded by U.S. military forces during World War II.

And it is those submarines that most trouble some critics of U.S. nuclear weapons policy. The Navy has on its nuclear weapon-equipped submarines safeguards that are similar to those for the Air Force's underground missiles and bombers and are designed to protect against an accidental U.S. nuclear attack or against a conspiracy to use the weapons without authorization. But a number of arms control authorities are skeptical as to how effective such submarine safeguards would be—especially in times of crisis.

The procedure on a submarine is supposed to work this way: A nuclear weapon launch order is passed down from the president through the chain of command, received by a radio operator aboard the submarine, then decoded by one officer and confirmed by another.

After the order is verified, a procedure similar to that in the Air Force's underground launch control centers begins. Two officers, each having one of the two combinations, open a double safe and obtain two keys needed for the launch process. (The captain does not have access to either of the combinations.) The officers then give one of the keys to the captain, and the other to another officer; both keys are then inserted into control boxes at two different positions on the submarine.

In various other parts of the submarine, other switches have to be pulled to complete the launch process. If, in this process, just one of the authorized persons refuses to do his job, the missiles cannot be fired.

Because submarines are more susceptible than land-based missile control centers and bombers to interruptions in communications with national command authorities (i.e., the president, the secretary of Defense or their designees), a number of students of nuclear weapons speculate that some submarine captains may have been predelegated—or could be predelegated on extremely short notice—the authority to launch nuclear weapons on their own in certain emergency situations.

Other critics express concerns that, while there may not be actual predelegation, submarine crews could nevertheless take it upon themselves in times of crisis to launch their weapons. This is because, unlike the ground-based launch control centers and bombers, the submarines do not have the kind of elaborate safeguards that bombers and land-based missiles have to physically bar them from launching their missiles. The only thing standing in the way are internal controls—the sanity and loyalty of the captain and his top officers. Submarines—unlike the bombers and land-based missiles which have outside controls—are thus viewed as having the equivalent of predelegation by some authorities on nuclear issues.

Jeremy Stone, director of the Federation of American Scientists, is one student of nuclear policy who feels the president would, facing an imminent threat of nuclear war, at that point preauthorize submarines to launch nuclear missiles, without a direct presidential order, in situations where communications have been cut off and the nation's top civilian and military leaders are presumed dead.

Others having firsthand experience with U.S. nuclear policy share some of Stone's concerns.

"Submarines are physically capable of launching their missiles any time they want to," says retired Navy Capt. James Bush, a former captain of a nuclear weapon-equipped submarine. "The only barriers to launching their missiles are administrative, not mechanical."

Bush told *Common Cause Magazine* that he is concerned that, under existing circumstances, a submarine captain, lacking a presidential order, would have to persuade only three members of his crew to launch the ship's missiles. These three would be the radioman who normally would receive messages to launch missiles, and the two officers who are to confirm such messages.

Officers in these underground launch control centers *can't fire their nuclear missiles on their own—unlike submarine crews which are physically capable of firing their nuclear missiles at any time.*

A more likely possibility than some captain taking conspiratorial action during peacetime is for a submarine to fire off its missiles in a war or near war situation without obtaining the proper order from the president.

This could happen, Bush says, if war broke out and communications between the submarine and its military and civilian superiors were cut off for a lengthy period. In a nuclear war, says Bush, "we would lose control of our forces" and many submarine captains would be likely to take it upon themselves to launch their missiles—authority or no authority.

Bush, who retired from the Navy in 1977 and last commanded a nuclear weapon-equipped submarine in 1970, says that he had often asked his superiors what action he should take with regard to his ship's nuclear missiles in the event of a war and subsequent cutoff of communications. He never got an answer, he says, but on no occasion was he ever predelegated the authority to use nuclear weapons under certain circumstances—nor did he ever hear of any other captain receiving such authority.

A Navy spokesperson confirms Bush's observations that there are no controls outside a submarine to prevent it from firing off its missiles at any time.

The Navy is, of course, aware of submarines' communications problem, which could cause concern during a crisis situation, the spokesperson says. To correct this problem, he says, the Navy is refining a new, ultra-low frequency system to keep submarines in regular contact with command authorities. With such a system, the Navy could transmit brief messages ordering them to surface. Once at the surface, the submarines could be given more specific orders.

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It is very difficult to ascertain who in the Soviet Union has the *authority* to fire nuclear weapons. But public sources speculate the authority is apparently not centered as much in one individual as it is in the United States. Soviet public documents do not specifically state who has the authority to initiate the use of nuclear weapons, but a number of Soviet experts in the United States suggest that the major power is held by the Communist Politburo, the party's ruling body, with the Communist Party's general secretary and top Soviet leader Yuri Andropov being the central figure, as was Leonid Brezhnev before him.

Also playing an important role is the Defense Council, a body comparable to the United States' National Security Council, which includes Andropov and selected members of the Politburo, as well as top military officials.

The chief of the Committee on State Security (the KGB, the Soviet intelligence agency), also appears to play a significant role because, according to U.S. analysts, the KGB guards and controls Soviet nuclear weapons stockpiles.

The KGB's presence at the missile sites is reportedly designed to assure that any possible use of nuclear weapons by the Soviet government is authorized by the appropriate high level authorities and is not undertaken by lower level military commanders.

In a period of relative calm, some authorities on the Soviet Union speculate that the tight control the Soviet government reportedly exercises over its nuclear forces makes it unlikely that anyone below the level of the Defense Council would have the authority to fire nuclear weapons on his own.

If true, one reason for this may be that the Soviet Union, unlike the U.S., reportedly keeps only a small portion of its land-based missiles on full alert, "and its forces apparently have never been maintained in a peacetime ground alert posture," according to a Brookings Institution study, *Soviet Strategic Forces: Requirements and Responses.*

In the same vein, defense scholar Desmond Ball has observed that the Soviets are less prepared overall than the Americans to unleash their nuclear forces because the USSR "lacks the very complex and expensive command systems required to combine a high state of launch readiness with adequate safeguards against unauthorized firing."

In a time of nuclear crisis, however, this situation could change drastically. As a 1982 report by the Carnegie Endowment for International Peace noted, Soviet communications facilities and command centers—like their counterparts in the United States—"have little survivability against [nuclear] attack."

Assuming U.S. attacks on facilities housing Soviet leaders, and vice versa, the civilian and military leadership succession in both countries could be thrown into chaos—thereby increasing the likelihood that individual weapons commanders would take actions on their own to unleash nuclear weapons.

It is in such a context that predelegation of nuclear authority must be considered.

Given the fact that the firing of nuclear weapons could be tantamount to declaring war, and given that the Constitution grants Congress alone the authority to declare war, shouldn't Congress, or at the very least, some key Members, be part of determining the policy of predelegation? ●